

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF PUERTO RICO

3 In Re:) Docket No. 3:17-BK-3283 (LTS)

4)

5) PROMESA Title III

6 The Financial Oversight and)

7 Management Board for)

8 Puerto Rico,) (Jointly Administered)

9)

10 *as representative of*)

11)

12 The Commonwealth of)

13 Puerto Rico, *et al.*) November 9, 2021

14)

15 Debtors,)

16 In Re:) Docket No. 3:17-BK-3566 (LTS)

17)

18) PROMESA Title III

19 The Financial Oversight and)

20 Management Board for)

21 Puerto Rico,) (Jointly Administered)

22)

23 *as representative of*)

24)

25 The Employees Retirement)

System of the Government)

of the Commonwealth of)

Puerto Rico,)

Debtors,)

21

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1
2 In Re:) Docket No. 3:19-BK-5523 (LTS)
3)
4) PROMESA Title III
5 The Financial Oversight and)
6 Management Board for)
7 Puerto Rico,) (Jointly Administered)
8)
9 as representative of)
10)
11 The Puerto Rico Public)
12 Buildings Authority,)
13)
14 Debtors,)
15

16 CONFIRMATION HEARING - DAY TWO

17 BEFORE THE HONORABLE U.S. DISTRICT JUDGE LAURA TAYLOR SWAIN

18 UNITED STATES DISTRICT COURT JUDGE

19 AND THE HONORABLE U.S. MAGISTRATE JUDGE JUDITH GAIL DEIN

20 UNITED STATES DISTRICT COURT JUDGE
21

22 APPEARANCES:

23 PARTIES APPEARING BY VIDEOCONFERENCE AND TELEPHONICALLY

24 For The Commonwealth
25 of Puerto Rico, et al.: Mr. Martin J. Bienenstock, PHV

For The Commonwealth
of Puerto Rico, et al.: Mr. Gabriel Miranda Rivera, Esq.

ALSO PRESENT: Ms. Mayra Cardona Duran, Certified Interpreter

Proceedings recorded by stenography. Transcript produced by
CAT.

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3	None offered.	
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5	EXHIBITS:	
6	None offered.	
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San Juan, Puerto Rico

November 9, 2021

At or about 9:26 AM

* * *

COURTROOM DEPUTY: The United States District Court for the District of Puerto Rico is now in session. The Honorable Laura Taylor Swain presiding. Also sitting, the Honorable Magistrate Judge Judith Dein. God save the United States of America and this Honorable Court.

In re: The Financial Oversight and Management Board for Puerto Rico, as representative of the Commonwealth of Puerto Rico, et al., Bankruptcy Case No. 2017-3283, Bankruptcy Case No. 2017-3566, Bankruptcy Case No. 2019-5523, for further Confirmation Hearing. Also present in court is Attorney Gabriel Miranda Rivera, on behalf of the Oversight Board, and the certified interpreter, Ms. Mayra Cardona.

THE COURT: Good morning. Buenos dias. I would ask that the video participants now turn their cameras on for these introductory remarks and instructions, but keep their microphones muted.

I welcome the residents of Puerto Rico who have joined us in person today to speak to the Court. I also welcome the attorneys, parties in interest, members of the public, and members of the press who are observing today's proceedings by Zoom video connection, or who are listening by

1 telephone.

2 Today's hearing is a continuation of the hearing on
3 confirmation that began yesterday, November 8th, 2021, to
4 consider the proposed Modified Eighth Amended Plan of
5 Adjustment for the Commonwealth of Puerto Rico, the Employees
6 Retirement System of the Government of the Commonwealth of
7 Puerto Rico, and the Puerto Rico Public Buildings Authority.

8 The Court has reserved today for the presentation of
9 remarks by 25 residents of Puerto Rico who have been randomly
10 selected by lottery from among the hundreds of people who
11 applied to speak. This is an opportunity for members of the
12 Puerto Rican community to participate in this historic
13 Confirmation Hearing by sharing their thoughts and
14 perspectives regarding the proposed Plan of Adjustment.

15 The people who applied to speak identified themselves
16 as coming from different groups, such as government employees,
17 pension recipients, and bondholders. Great care has been
18 taken to ensure that the lottery selections were made from
19 each of the groups, so that we will hear today from a
20 representative cross-section of those concerned citizens who
21 applied.

22 The Court and representatives of Puerto Rico's
23 Government, the Oversight Board, creditors, and others
24 involved in these proceedings will hear voices and see
25 citizens today who are representative of those whose everyday

1 lives are rooted in the soil of this island. The speakers, in
2 turn, will be able to see themselves and some of the Zoom
3 observers on the video monitors in the courtroom.

4 All parties who are participating by Zoom must keep
5 their microphones muted and their cameras on for the duration
6 of the public testimony. If a Zoom participant needs to
7 speak, they should use the "hand raise" function on the Zoom
8 toolbar and wait until they are called on.

9 I remind everyone that consistent with the Court and
10 judicial conference policies, and orders that have been
11 issued, no recording or retransmission of the hearing is
12 permitted by anyone, including but not limited to the parties,
13 members of the public, and the press. Violations of this rule
14 may be punished with sanctions.

15 I will call on each person here in the courtroom who
16 has been selected to speak. When your name is called, please
17 approach the podium and state your name so that the record is
18 clear. We have also ensured that translation services are
19 available to any speaker who needs Spanish to English
20 interpretation.

21 Each speaker will have a total of ten minutes,
22 including the time required for any interpretation from
23 Spanish to English. The Court will be keeping track of the
24 time limits, and will alert each speaker when there are two
25 minutes remaining with one beep, and when time is up, with two

1 beeps. Here is an example of the beep sound.

2 (Sound played.)

3 THE COURT: If anyone has any difficulty hearing me
4 or a speaker, raise your hand here in the courtroom, or for
5 participants who are joining by Zoom, use the "raise hand"
6 feature on Zoom.

7 I encourage the speakers to stay within their time
8 limits out of respect for fellow speakers who have taken time
9 out of their schedules to be here today. We will proceed with
10 this session until a lunch break at 2:00 Atlantic Standard
11 Time, which is 1:00 Eastern Time, but we may have breaks, as
12 there may be delays in people arriving. We will have a break
13 at some point in the morning around noon, in any event, and
14 then in the afternoon, we will resume as necessary from 3:30
15 Atlantic Standard Time until 5:00 PM Atlantic Standard Time,
16 which is 2:30 to 4:00 Eastern Time.

17 Now I will call on the first speakers. I will call
18 names in the order that I have them here, but clearly not
19 everyone is here yet, so when your name is called, please
20 stand up. I will do my best to pronounce everyone's name
21 correctly, but please excuse me if I mispronounce your name.

22 When you arrive at the podium, I'll ask you to say
23 your name correctly for the record, and I'd also ask that as
24 in all public speaking, you speak a little more slowly than
25 usual so that the court reporter can write down everything

1 that you say accurately, and so that I can hear and understand
2 every word.

3 The first speaker is Wanda Alabarces. Good morning,
4 ma'am. Please come to the podium.

5 MS. ALABARCES-GARCIA: My name is Wanda Alabarces.
6 Garcia is the second last name.

7 THE COURT: Okay. Ms. Alabarces, would you start
8 that again, because we didn't have your microphone on. Thank
9 you.

10 MS. ALABARCES-GARCIA: Oh, okay.

11 THE COURT: It's on now. Thank you.

12 MS. ALABARCES-GARCIA: Yes. My name is Wanda
13 Alabarces. That's A-l-a-b-a-r-c-e-s. And the other -- we use
14 two last names -- Garcia.

15 THE COURT: Thank you. You may proceed.

16 MS. ALABARCES-GARCIA: So, first of all, I would like
17 to thank you for the invitation to hear what we have to say as
18 citizens of the United States living in Puerto Rico.

19 So I am a 75-year-old retired widow, born and raised
20 in San Juan, Puerto Rico. As I said, citizen of the United
21 States, and retired from the private sector since 2004. I'm
22 here today in response to your interest to hear the voice of
23 the people of Puerto Rico in regards to the matter under your
24 consideration.

25 For the record of these proceedings, I would like to

1 state the following: I strongly and vehemently object and
2 oppose the confirmation of the Debt Adjustment Plan as
3 submitted for your consideration. We, the people of Puerto
4 Rico, haven't had the opportunity of being heard until today,
5 and be legally represented in proceedings that directly affect
6 our livelihood for decades to come in a catastrophic way.

7 You, Justice Taylor, have in your hands the
8 opportunity of stopping this from happening. The people of
9 Puerto Rico are an indispensable party in the case before you,
10 as acquired benefits will be adversely impacted by your
11 decision on this case. The preamble of the U.S. Constitution
12 states that the people are the foundation and driving force of
13 the government. It's the people that give the country its
14 power.

15 The fiscal Oversight Board -- I may refer to them by
16 La Junta, if I may -- is unconstitutional as it doesn't pass
17 the basic check and balance disposition, that there is to be
18 no branch of government controlling too much power. La Junta
19 has indeed full powers, without responding to any authority,
20 except perhaps this -- and I pray for that, this Federal
21 Court, they overpower the duly elected government officials,
22 the Governor, the legislature, and even now the Treasury
23 Department.

24 A centralization of powers has been bestowed upon
25 nonelected persons. We don't know them. They don't know us.

1 And to add insult to injury, the people of Puerto Rico, we pay
2 for the luxurious and extremely comfortable way of living, in
3 a way that involves great expenses for a bankrupt, in shambles
4 country, victims of corrupt government officials and their
5 mismanagement of our finances.

6 The debt must be audited. We don't know what we're
7 paying for. Ousted Governor Ricardo Rossello blocked this
8 request, which has been made by our people since learning
9 about the gigantic debt irresponsibly and illegally taken by a
10 nefarious government. If we have to pay, we must have that
11 debt audited.

12 Each justice or judge of the U.S. Courts take an oath
13 before performing this, the duties of his office, to solemnly
14 administer justice, with a capital J, without distinction of
15 persons, and do equal right to the poor and to the rich. As
16 it is in this case before you, Judge, the rich and powerful
17 are seeking a justice that will come at the expense of the
18 most vulnerable and poor segments of our society. It's a
19 contradiction that questions the logic, to have a bankrupt
20 country pay the legal costs incurred by the same people, La
21 Junta, that deny additional funds for the University of Puerto
22 Rico, for example, or to the sustainability, I'm sorry, of
23 pension funds in order for our people to have a dignified
24 retirement in the last years of our lives.

25 A third of our budget has been committed in the Plan

1 under your consideration. Yet nothing has been addressed
2 regarding monies for public schools, police officers, and any
3 other functions to keep the Government of Puerto Rico running.
4 Less money will be available for municipalities, yet the very
5 high salaries of the Junta members remain untouched.

6 Because the people of Puerto Rico must not only be
7 heard, but this Court must act to protect the most vulnerable,
8 I hereby respectfully request to be brought into this case as
9 an indispensable party, before you make a determination on the
10 merits of the matter before you, either by my own right or
11 assisted by legal counsel. The constitutionality of PROMESA
12 and their creature, La Junta, is in question, as well as the
13 legality and validity of the debt. We hereby request that
14 this Court orders the audit of said debt.

15 On a final note, I would like to read words of
16 California Chief Justice Tani G. Cantil in the matter
17 regarding George Floyd's murder.

18 "Justice is the first need addressed by the people in
19 the preamble of our nation's constitution. As public
20 servants, judicial officers swear an oath to protect and
21 defend the Constitution of the United States. We must
22 continue to remove barriers to access and fairness, to address
23 conscious and unconscious biases, and, yes, racism. Being
24 heard is only the first step to action, as we continue to
25 strive, to build a fairer, more equal and accessible justice

1 system for all."

2 And that's exactly what we are asking, Your Honor,
3 fairness, the good over evil. The most vulnerable feeling
4 safe and guarded by a fair justice system. Justice Taylor
5 Swain, put yourself on the right side of history. The
6 imposition --

7 (Sound played.)

8 MS. ALABARCES-GARCIA: -- of La Junta and the
9 illegality of its very existence is wrong. Make it right, and
10 do not approve the proposed Debt Adjustment Plan. In good
11 conscience, please don't. Thank you.

12 THE COURT: Thank you, Ms. Alabarces-Garcia.

13 (At 9:44 AM, Ms. Alabarces-Garcia left the podium.)

14 THE COURT: The next speaker present is Alana
15 Feldman. Would you please come to the podium, Ms. Feldman?

16 MS. FELDMAN-SOLER: Good morning.

17 THE COURT: Good morning.

18 MS. FELDMAN-SOLER: My name is Alana Feldman-Soler.
19 I am a member of the Puerto Rico Women's Movement at Large,
20 Movimiento Amplio de Mujeres de Puerto Rico. Thank you for
21 the opportunity to address the Court.

22 I am here because I fear for my family and my
23 community under an agreement that prioritizes profits over
24 people. Let me tell you a little bit about me and the people
25 in my life.

1 I am the daughter of a now retired public servant, a
2 former police officer, an elementary school teacher. My
3 mother did not contribute to Social Security during most of
4 her professional life. For close to 20 years, she has lived
5 with a pension of approximately 500 dollars a month. I just
6 want to take a second to take that in. 500 dollars per month.

7 Since 2017, her pension has nearly dissolved into the
8 exorbitant price increases of food items and other goods in
9 Puerto Rico. My mother, like me, is the type of person who
10 loses her appetite when anxious, worried, or concerned. The
11 daily burden of deciding between whether to purchase medicine
12 or protein has in no small way contributed to her losing close
13 to 20 pounds in the last two years.

14 I can only imagine what inflation will do to the
15 value of her pension in the next few years, and the impact
16 this will have on her health. I am seriously concerned, and I
17 know I'm not the only one. For the sake of our most
18 vulnerable populations, living wages and pensions that rise
19 with the cost of living must be an essential government
20 expense.

21 I am a resident of a rural area in the mountain town
22 of Adjuntas. On my way here this morning, I passed the empty
23 house of the couple down the road who have spent the last
24 month selling all their belongings. Not able to get an
25 appointment with a health specialist that accepts new

1 patients, they have decided to seek care in the states.

2 Another neighbor's health has deteriorated to the
3 point that he doesn't recognize his wife of 40 years. As the
4 principal caretaker, she struggles to find buyers for the 40
5 acre farm's plantain crops. Their coffee bushes have not yet
6 recuperated from the losses caused by Hurricane Maria four
7 years ago.

8 Another elderly neighbor who has no relatives lives
9 in an abandoned cement water tank. With no health plan or
10 income, he was changing his own Foleys at home at the start of
11 the pandemic.

12 A neighboring community needs to build a 15,000
13 gallon reserve to guarantee their rural aqueduct will provide
14 water to residents in high ground during times of drought.
15 Because of a Fiscal Control Board limitation on community
16 project assignment funding, the community will need to
17 fund-raise at least an additional \$4,000 through the sale of
18 fritters and baked goods to be able to have access to water.

19 I work with rural women in violence prevention.
20 Violence in Puerto Rico is on the rise. Even strategies that
21 have been effective in the past need to be reapproached and
22 adapted. This requires resources. Only two out of 60
23 gender-based violence survivors served through my local
24 community center this year in 2021 have reported their violent
25 incident to the police. Why would they? They know the police

1 department has no resources to investigate cases, and less
2 than one percent of domestic violence reports result in a
3 conviction.

4 As a result of misdirected fiscal cuts and the
5 earthquakes of 2020, all rural elementary schools in my town
6 have closed. Children from outlying communities must be
7 transported up to 45 minutes in interlocking schedules to the
8 town center on in-person days. On virtual days, they struggle
9 to access reliable internet connection at home, as their
10 families also balance other personal commitments.

11 If it rains hard in our mountainous region, students
12 might end up missing the day's work. The lack of stability in
13 the school system requires someone to be always on call to
14 attend to children when circumstances change due to
15 pandemic-related responses, or technological failures, among
16 others. This "someone" is often a woman, a mother or a
17 grandmother. Many women with whom I work have left jobs, not
18 returned to jobs, or have resorted to make ends meet by
19 selling goods from home to be able to meet the needs of their
20 children.

21 I volunteer with landscape conservation, community
22 participation, and animal welfare rights. The University of
23 Puerto Rico is an essential resource that cannot be replaced
24 by private universities. In our region, the Utuado campus
25 supplies the needs of a rural agriculture economy that must

1 move towards sustainability and greater intergenerational
2 relief.

3 Years of budget cuts and botched responses to the
4 global pandemic increasingly threaten the capacity of UPR
5 Utuado to serve the needs of rural communities. Student
6 registration has decreased, yes, but so has staff, equipment,
7 maintenance, and other resources. It is as if the college is
8 being strangled from within, and students are being blamed for
9 going elsewhere to find services that they need.

10 We cannot again live through the aftermath of Maria.
11 Our government collapsed after Maria, and it has yet to
12 effectively respond to those affected by the 2020 earthquakes.
13 Fresh from this experience, communities all over Puerto Rico
14 are assuming responsibilities traditionally in the realm of
15 local and state governments. From water aqueducts, to
16 distribution of food, to health clinics, to renewable energy,
17 community based services have surged as a response to the
18 continuous decrease in our government's capacity to meet
19 collective needs.

20 Local animal shelters are overrun with the former
21 pets of families who no longer have disposable income to care
22 for them, or have decided to migrate under dire circumstances.
23 While we celebrate the resilience of our community leaders,
24 austerity overwhelms community members without increasing
25 government accountability. If the goal is to promote

1 sustainability, any agreement to lift Puerto Rico out of this
2 economic crisis must first invest in our people.

3 I share my life with a current government employee,
4 and I am the stepmother of a graduating college student.
5 Changes in government work conditions have represented a
6 greater health toll in my family. In the last ten years,
7 government health plan contributions have decreased, as have
8 agency employee numbers, and job benefits.

9 A smaller number of people are expected to work more
10 days and provide the same amount or more government services.
11 Job opportunities are increasingly high paid contracts, which
12 tend to be more politicized positions. Without recourse, we
13 have normalized the pay cuts that result from attending to
14 health needs created by work conditions.

15 If they aren't already, these conditions will soon
16 become unbearable with greater funding cuts in the executive
17 branch. Given how difficult it is to live on this island, it
18 is not a surprise to me that my stepson is not even
19 considering jobs on the island upon his 2022 college
20 graduation. After surviving 12 years in the Puerto Rico
21 special education program, and depending on a meager public
22 transportation system to complete his degree, his achievement
23 is bittersweet. He cannot envision finding a job on the
24 island.

25 Puerto Rico will keep losing its youth and

1 professionals until we address the precariousness of public
2 and private work conditions and invest in our quality of life.
3 The existence of government is premised on collective
4 well-being. It is a mechanism created to provide the
5 resources to meet common needs.

6 (Sound played.)

7 MS. FELDMAN-SOLER: It is shameful that our
8 government has not been willing to assume its role on behalf
9 of our citizenry, because we are not okay. I invite you to
10 come see for yourself how the poor and working people of this
11 island are making difficult decisions to survive under current
12 austerity measures, and how community organizations are
13 struggling to fill the service void to which our government is
14 condemning us.

15 Your decision, Judge Swain, is the only thing now
16 separating our families and communities from further suffering
17 and grief. Don't accept the government's word at face value.
18 Please speak to us clearly about the legal and social
19 consequences of this agreement, because I assure you, the
20 people of Puerto Rico cannot be okay under an agreement that
21 sacrifices our basic needs to the repayment of the debt.

22 Thank you.

23 THE COURT: Thank you.

24 (At 9:53 AM, Ms. Feldman-Soler left the podium.)

25 THE COURT: The next speaker is Annette Jimenez.

1 Good morning. Would you please state your name
2 before you make your remarks?

3 MS. JIMENEZ-COLLET: Yes.

4 THE COURT: Thank you for coming today.

5 MS. JIMENEZ-COLLET: Good morning. My name is
6 Annette Jimenez-Collet.

7 Good morning, everyone. My name is Annette Jimenez
8 Collet, a Puerto Rican woman from Vega Baja. I have lived my
9 entire life in Puerto Rico. I have three children of school
10 age. Two of them study in public schools, and the oldest one
11 studies at UPR Rio Piedras. I made the request to appear
12 today at this hearing, because I could not miss the
13 opportunity to express myself about the request for approval
14 that the Fiscal Control Board has requested on the Debt
15 Adjustment Plan.

16 The Fiscal Control Board has been in Puerto Rico
17 since 12/16. Despite the humiliation that constitutes the
18 control of Puerto Rican public money, our money, by seven
19 unelected foreigners, many people thought that the Board would
20 bring fiscal responsibility and accountability to the
21 politicized administrations and the corruption that has
22 dominated Puerto Rico for decades. One of those people was
23 me.

24 The PROMESA law is specific in dictating the
25 responsibilities of the Board: Ensuring the financing of

1 essential services, providing pension financing, eliminating
2 structural deficits, ensuring that debt payments are
3 sustainable, improving fiscal governance, accountability,
4 internal controls, and promote economic growth. However, five
5 years later it is evident that none of the responsibilities of
6 the Board have been fulfilled. The root of the mismanagement
7 in Puerto Rico remains to be unaffected.

8 Essential services such as education, health,
9 pensions, and security have not been defined. The Board has
10 reached an agreement with every governor to guarantee their
11 permanence in Puerto Rico.

12 Expressing myself this morning against this nefarious
13 plan is an urgent duty for me and my children. I studied in
14 public school for 12 years, and then I completed my university
15 studies in the UPR. This education was, for me, the key that
16 allowed me to contribute to the country, and to understand
17 that the serious and complicated problems of Puerto Rico are
18 not solved by cutting the funding of essential services.

19 My aspiration is that my children can live in Puerto
20 Rico in the future. This will not be possible if the Board
21 continues to guarantee the welfare of the bondholders who do
22 not live here by compromising our lives.

23 My daughter is one of the hundreds of students who
24 voted for an indefinite strike at the UPR, because she
25 understands that losing a semester is better than losing the

1 opportunity for education in the future. It is my wish that
2 the government and the Board have the vision of the future
3 that the young people have. The reality is that it is up to
4 us to open the eyes of those who represent us, and to give the
5 warning voice of a path that would lead us to failure.

6 The most recent adjustment plan that the Board
7 intends to impose on the people of Puerto Rico departs from
8 the primary responsibility of the Board, that it is in the
9 PROMESA law. Financing -- sorry. Financing the essential
10 services is not possible if they are not defined. This
11 vagueness is neither innocent, nor careless. It is a ruthless
12 way of diverting money away from the people in need.

13 It is not possible to provide funding for pensions
14 when the necessary work of adjusting tax exemptions is
15 avoided, losing the opportunity of regaining trillions of
16 dollars necessary for the recovery of Puerto Rico. It is not
17 possible to eliminate structural deficits when the Junta
18 denies money to the UPR, but approves millions for absurd
19 celebrations.

20 It is not possible to ensure that the payment of the
21 debt is sustainable when this Plan will lead us to a second
22 bankruptcy. It is not possible to impose fiscal governance
23 without the elimination of positions of trust and nepotism in
24 the government. Accountability and internal controls are not
25 possible without a forensic audit of the debt, which entails

1 judicial consequences for those who illegally indebted Puerto
2 Rico.

3 It is not possible to promote the economic growth of
4 Puerto Rico when low wages and awful work conditions push
5 boricuas to the airport. This adjustment plan follows the
6 same disastrous path of the former, with the serious
7 aggravation of the issuance of debt to pay debt. This
8 unsustainable path extends the life of the debt more than the
9 lives of the people who will pay for it. It is useless to
10 reduce debt if indebtedness, which is the root of the problem,
11 is not stopped.

12 Puerto Rico has water up his neck, and social
13 inequality is increasing. It is necessary to exit the offices
14 with air-conditioning and go into the street, lower the
15 windows of the car to see the reality that we live: Driving
16 through streets full of holes, risking car tires and shock
17 absorbers; and after an eight-hour, low wage work shift,
18 arriving to a house where there is no electricity due to the
19 incompetence of LUMA Energy; or seeking mental health services
20 and discovering that hospitals are closed; or taking children
21 to an unsafe school in the event of earthquakes. So many
22 abuses.

23 Continuing to put a burden on the tired shoulders of
24 the same people, while privilege and impunity surround corrupt
25 politicians, their family, and their friends is a time bomb.

1 We have plenty of examples in history.

2 I have decided to appear this morning to express
3 myself in front of all of you, in particular you, Honorable
4 Judge Laura Taylor Swain, because I have hope. I am hopeful
5 that Puerto Rico can be a place where you can live above the
6 poverty level, where the Department of Education works at the
7 height of the excellence of its teachers, where public
8 employees can have a dignified retirement, where mental health
9 problems are treated with the same seriousness as trauma in
10 Medical Center, where everyday struggles, like the holes in
11 the roads, the unsafe bridges --

12 (Sound played.)

13 MS. JIMENEZ-COLLET: -- the people without houses,
14 and the houses without people, are more important for our
15 government than a New Year's Eve party.

16 I am hopeful that the reality that is lived day by
17 day in Puerto Rico will change, because people like me are
18 awake and know their value. I hope that your intention is
19 honest, and is not just an act to put a check mark on the list
20 of the things to do before destroying the future of Puerto
21 Rico.

22 I ask you, decide to be the defender of the people
23 against vulture bondholders and their greed, who want a Puerto
24 Rico without Puerto Ricans. I ask you to place yourself on
25 the right side of history, on the side of those who live

1 firsthand the consequences of the austerity measures that the
2 Junta imposes but never experiences.

3 Thank you for your time.

4 (At 10:03 AM, Ms. Jimenez-Collet left the podium.)

5 THE COURT: Thank you.

6 The next speaker is Jessica Ortega. Good morning.

7 Would you please state your name?

8 MS. ORTEGA-IRIZZARY: Buenos dias. (Remarks in
9 Spanish) Jessica Ortega Irizzary.

10 THE INTERPRETER: I'm sorry, Your Honor. I'm sorry.
11 I have to go back. I apologize.

12 THE COURT: All right. So you will interpret from
13 there?

14 THE INTERPRETER: I will interpret from here.

15 THE COURT: So your microphone needs to be turned
16 on.

17 THE INTERPRETER: One, two, three.

18 THE COURT: Okay. Very good. Thank you.

19 Buenos dias.

20 MS. ORTEGA-IRIZZARY: Good morning. Thank you for
21 the opportunity. My speech is named "We are Poor Already."

22 I have been in the Department of Education of Puerto
23 Rico for 20 years, 11 years as a teacher and nine as a school
24 director. I direct the largest school in Puerto Rico and of
25 the Caribbean, with an enrollment of 1,008 students. I

1 completed my Bachelor's Degree at the University of Puerto
2 Rico, Rio Piedras campus.

3 Our duty is to defend the institution that many
4 attend, because it exists. In Puerto Rico, we do not all have
5 the resources to attend a private university. The UPR should
6 also be a priority for the government.

7 I have a Doctorate Degree in educational leadership.
8 As an ironic fact, I still owe more on my student loan than
9 what I owe for my house, because educating one's self in
10 Puerto Rico is not compensated.

11 I must say that ever since my start to currently, the
12 system has changed very little. We continue with the same
13 injustices. The money that the agency receives, the greatest
14 budget of all government agencies, the great majority of them,
15 money has always remained in the high spheres and never with
16 our children and teachers.

17 For years we have been supporting a system that,
18 despite hurricanes, earthquakes, pandemic, and
19 misadministration and its incompetency, we have continued
20 struggling for, and education has not stopped. We are poor
21 already because the work that we perform is not compensated
22 fairly, because all decisions hit a blow to the worker.

23 A teacher who earns an average salary of 1,700 to
24 2,300 lives paycheck to paycheck to pay for their house, car,
25 food, and if anything is left, to pay half of the electricity

1 and half of water. We responsibly paid for our retirement for
2 years. The misadministrations of the government have
3 plundered our money and now want to take us to misery.

4 I'm 45 years old. Right now, to be able to retire, I
5 still have ten years left. In the times that we're living,
6 where problems that we have in our schools are doubled than in
7 prior years, this leads us to exhaust ourselves emotionally to
8 the extent that a mental fatigue does not allow us to have
9 high performance many times. Our life goes away, and the
10 system crushes us.

11 To sacrifice eight years more of work would be to
12 bury the education of our country. You will have more
13 depressed, tired, and overwhelmed teachers. The ones most
14 effected will be our students. We've been eliminated the
15 payment for excess sick leave. They eliminated the 1,000
16 dollar bonus. The only thing that we -- will not be taken
17 away is the spirit to fight, and the faith that one day
18 something will improve.

19 Taking away the little money that was received for
20 our retirement with what the proposed Adjustment Plan sets
21 would be leaving us in misery. For a teacher who collects
22 2,300 dollars a month, 75 percent of their pension would be
23 equivalent to 1,725 dollars. We already live in poverty. To
24 take that to 1.8 percent would be mortal. We will not have a
25 dignified old age after having dedicated our lives to one of

1 the most important pillars of a country, education. No one
2 will want to be a teacher, because it is not worth to give
3 everything in exchange for nothing.

4 Paying the debt is important for all of us. We do
5 want to get out of bankruptcy, but it cannot be leading us or
6 condemning us to misery. The retirees already paid for their
7 retirement. Why not seek other alternatives and start by
8 evaluating the million dollar transactions that are done with
9 dear friends?

10 Why not analyze the salaries of management employees
11 of government agencies, that many of them are over \$4,000 a
12 month without academic background? Why make more poor those
13 of us who are already poor?

14 And after touching those salaries, including those of
15 politicians, if we still have to sacrifice ourselves --

16 (Sound played.)

17 MS. ORTEGA-IRIZZARY: -- then we all sacrifice
18 ourselves. My proposal, number one, is to maintain the 75
19 percent of our pensions, but if we all have to sacrifice
20 ourselves, I propose as options, number one, 60 percent of our
21 salary for pensions, food card, subsidy in water and
22 electricity, and a health plan, not freezing our pensions, for
23 it to be lifelong.

24 Option number two: For us to be allowed to pay for
25 Social Security, zero cuts to the retirees. Our patience also

1 runs out. We are tired of giving everything in exchange of
2 bread crumbs. Where there is no justice, there will be no
3 education with excellence. If this Plan is approved, this
4 would be an island full of poor elderly.

5 I pray to God that he gives you wisdom so that the
6 decision you make is fair and does not lead us to misery.

7 THE COURT: Thank you.

8 (At 10:14 AM, Ms. Ortega-Irizzary left the podium.)

9 THE COURT: At this time, none of the other speakers
10 have arrived. I want to thank the speakers who have come and
11 spoken passionately of their lives and the issues and concerns
12 with respect to the Plan of Adjustment. I thank you for
13 coming to court today and speaking not only to me, but also to
14 the participants in the bankruptcy proceedings who are
15 watching today as well, and officials of the government.

16 I will keep in mind what you have said as I make my
17 decisions, which must be made in accordance with the law. The
18 law requires me to consider many factors. Of course, I
19 understand that this process is a process that must allow
20 Puerto Rico and its people to continue as a society. To hear
21 the pain and the hopes and the dreams today is very important
22 for the Court, and for all who are participating in the
23 process.

24 So at this point I thank you all, and I am going to
25 take a recess until more people arrive. I am not sure how

1 many more people will arrive. We had invited 12 people for
2 this morning. They may be delayed. They may not have decided
3 to come. I don't know.

4 So this court session will go into recess now, and in
5 one half hour, at ten minutes to 11:00 Atlantic Standard Time,
6 we will resume and check to see whether more speakers have
7 arrived.

8 We are adjourned. Thank you.

9 (At 10:17 AM, recess taken.)

10 (At 10:52 AM, proceedings reconvened.)

11 THE COURT: Good morning. I am back in the courtroom
12 here at the Clemente Ruiz Nazario Courthouse. Unfortunately,
13 no additional people from the morning speaker lineup have
14 arrived yet, and so in a moment, I will adjourn this
15 proceeding until noon Atlantic Standard Time, which will be
16 11:00 AM Eastern Standard Time, when more people have been
17 directed to come. It is possible that some latecomers may
18 have come by then.

19 Now, when we are in session with the local people who
20 come to speak in the courtroom, it really is important that
21 the attorneys have their cameras on. We will also be pinning
22 some on cameras to the Zoom feed, so that we don't look like a
23 collection of camera icons with a red cross across them,
24 because it is important to give the people that respect, and
25 let them know that they are being listened to.

1 So I thank those of you who did keep your cameras on
2 throughout the speakers this morning, and I will expect that
3 the attorneys and any government representative who is on will
4 also have their cameras on, showing their faces, when next we
5 are hearing from the local people. I thank you for that.

6 Mr. Bienenstock has his hand up, but not his camera
7 on.

8 MR. BIENENSTOCK: Yes. Thank you. Thank you, Judge.
9 I only raised my hand, because I was told when I opened my
10 camera that the host would not start the video.

11 THE COURT: I don't understand -- I see you now.

12 MR. BIENENSTOCK: Problem solved, Your Honor.

13 THE COURT: Okay. Very well. So thank you,
14 Mr. Bienenstock, and I will look forward to seeing you again
15 when we have more speakers here.

16 So with that, we are adjourned until noon Atlantic
17 Standard Time, 11:00 AM Eastern Standard time. Thank you all.

18 (At 10:56 AM, recess taken.)

19 (At 11:59 AM, proceedings reconvened.)

20 THE COURT: Buenos tardes. We are resuming the
21 hearing today on confirmation. First, we're making sure that
22 the people in the courtroom can hear, so give us a moment.

23 Again, good afternoon. Additional residents of
24 Puerto Rico have joined us in person to speak to the Court. I
25 also welcome back the attorneys, parties in interest, and

1 members of the public, and press who are observing today's
2 proceedings by Zoom video connection, or are listening by
3 telephone.

4 The Court has reserved today for the presentation of
5 remarks by residents of Puerto Rico who have been randomly
6 selected by lottery from among the hundreds of people who
7 applied to speak. We made this opportunity today for 25
8 members of the Puerto Rican community to participate in this
9 historic confirmation hearing, by sharing their thoughts and
10 perspectives regarding the proposed Plan of Adjustment.

11 The Court and the representatives of Puerto Rico's
12 government, the Oversight Board, creditors, and others
13 involved in these proceedings are hearing voices today and
14 seeing citizens who are representative of those whose every
15 day lives are rooted in the soil of this island.

16 In turn, the speakers are able to see themselves and
17 some of the Zoom observers on the video monitors in the
18 courtroom. The parties, who are participating by Zoom, must
19 keep their cameras on, with their microphones muted.

20 I remind everyone that neither recording nor any
21 retransmission of the hearing is permitted by anyone,
22 including but not limited to the parties, members of the
23 public, and the press. Violations of this rule may be
24 punished with sanctions.

25 I will call on each person here in the courtroom who

1 has been selected to speak, and when your name is called,
2 please approach the podium and state your name so that the
3 record is clear. Each speaker will have a total of ten
4 minutes, including the time required for any translation from
5 Spanish to English for the Court. The Court will keep track
6 of the time limits, and will alert each speaker when there are
7 two minutes remaining with one beep, and when time is up, with
8 two beeps. Here is an example of the beeper sound.

9 (Sound played.)

10 THE COURT: Thank you.

11 I will now resume calling on speakers, and as I
12 explained earlier this morning, I'll do my best to pronounce
13 everyone's name correctly, but please excuse me if I don't get
14 it quite right. When you arrive at the podium, I will ask you
15 to say your name correctly for the record. I also ask that
16 you speak a little more slowly than usual so that the court
17 reporter can write down everything that you say accurately,
18 and so that I can hear and understand every word.

19 The next speaker is Manuel Martinez Maldonado. Good
20 afternoon, Mr. Maldonado.

21 MR. MARTINEZ-MALDONADO: Good afternoon, Your Honor.
22 My name is Manuel Martinez Maldonado, and you pronounced it
23 perfectly.

24 THE COURT: You're very kind. Thank you.

25 MR. MARTINEZ-MALDONADO: I would like to start by

1 saying that the Financial Oversight and Management Board has
2 done a fairly good job of what they were assigned to do, but I
3 do not support the conclusions as they stand at the moment.

4 When I bought my first home, even though I was a
5 doctor, a physician, my mother had to sign my mortgage as a
6 co-payer. They investigated me and assured themselves that I
7 could pay my mortgage. They would have not lent me money if
8 it were not the case. I also know that I had to pay, because
9 I had made a legal commitment to do so.

10 When the brokerage firms lent money to a government
11 that could not pay what was involved, who oversaw the
12 transactions, and with what legality were the bonds admitted?
13 The unaudited debt should have been audited from the very
14 beginning. The so-called extra constitutional debt should
15 have been audited, also, and -- since it indeed precipitated
16 the people of Puerto Rico to go into debt.

17 The bondholders who say they're affected should know
18 they were at fault for gambling. In gambling, people lose.
19 And they were doing something akin to playing the market.
20 When stocks go down and you lose money on stocks, the company
21 that admitted the stocks don't pay you back. So that when
22 that happens, you have to take your losses.

23 Vulture capitalists should not be paid. However,
24 what was borrowed legally under the law should be paid. I
25 think that people should pay their debts.

1 The economic future of Puerto Rico is at stake, and
2 in the hands of PROMESA, but it depends totally on the
3 creation of jobs and, most importantly, on education. We all
4 know that education depends on teachers and students. We must
5 protect the welfare of all teachers, past, present, and
6 future. Their pensions should not be altered or deformed or
7 frozen. They must, at all levels of education, be guaranteed
8 a decent and stable retirement, and they should receive a
9 cost-of-living allowance. No pension should be cut or
10 trampled with.

11 I would like to mention also that the increase in the
12 age of retirement is a punitive act against every worker in
13 Puerto Rico, in particular, teachers, so that I do not agree
14 with that proposal. In addition to the pensions of teachers,
15 the same should be ensured for all government workers, and
16 police members. Without them, the country cannot function.
17 And if there is no police, this will become a haven for drug
18 trafficking and who knows what else.

19 What is the jewel in the crown of Puerto Rican
20 education? I graduated from the University of Puerto Rico,
21 and then went to medical school at Temple in Philadelphia.
22 When I got to Temple, I had classmates who were from Harvard,
23 Swarthmore, Muhlenberg, Stanford. I knew about Emily
24 Dickinson and Walt Whitman, but they didn't know about Ortega
25 y Gasset, or any of the great people of the Spanish golden

1 age. After all, Spanish is the second most spoken language in
2 the world, so people should know a little bit about it.

3 The University of Puerto Rico is an institution that
4 has provided outstanding professionals to the island and to
5 the United States. It must be properly funded, the students
6 properly treated, and the cost of credits diminished, not
7 increased. To accomplish this, payments for vulture
8 capitalists must fall, and funding for UPR increased to levels
9 that will support good teachers and education.

10 I would like to make now a reference to the fact
11 sheet published by the management of this thing, and point out
12 the first dot on this.

13 THE COURT: Would you just tell me, since I don't
14 have a copy of that --

15 MR. MARTINEZ-MALDONADO: Okay.

16 THE COURT: -- who has published it?

17 MR. MARTINEZ-MALDONADO: I downloaded this from the
18 internet. It's called, The Fact Sheet, Debt Management
19 Policy. It has your seal. I can get --

20 THE COURT: It has my seal?

21 MR. MARTINEZ-MALDONADO: Sorry?

22 THE COURT: It has my seal, or it has the --

23 MR. MARTINEZ-MALDONADO: No. I mean it has the -- it
24 says Financial Oversight and Management Board.

25 THE COURT: So is this something you downloaded from

1 the Oversight Board's website?

2 MR. MARTINEZ-MALDONADO: Right.

3 THE COURT: Thank you.

4 MR. MARTINEZ-MALDONADO: You're welcome.

5 THE COURT: What does -- just tell me what the
6 headline across the top says.

7 MR. MARTINEZ-MALDONADO: Fact Sheet, Debt Management
8 Policy.

9 THE COURT: Thank you.

10 MR. MARTINEZ-MALDONADO: All right. Below it says,
11 the debt management policy includes the following principles
12 and limitations. And the first one, it says, no new -- new
13 debt may only be used to finance capital improvement, not
14 operating deficit.

15 Totally agree. This will ensure the Commonwealth
16 achieves and maintains a balanced budget, consistent with
17 PROMESA's requirement for Puerto Rico's return to fiscal
18 responsibility.

19 And then it says, capital improvements include the
20 construction of buildings. No. There are too many buildings
21 around that the government owns. They should move to the
22 buildings that they already own. They should leave the
23 buildings that they're paying rent on, and use the ones that
24 are unoccupied. We should not fund any more buildings.

25 Roads, yes. Fill up all the potholes. Parks,

1 absolutely.

2 But then comes one that really worries me, the
3 ordering -- or the purchase of information technology. That
4 lends itself for a lot of wheeling and dealing, because it's
5 nonspecific. The sale of -- I mean the purchase of
6 information technology systems. I think that the only reason
7 to do that would be to use the technology systems to help
8 people to do their things, to be able to renew their medical
9 licenses, for example, et cetera, but not just a statement
10 like that. So I just wanted to mention that, Your Honor.

11 Now, the other thing I would like to say is that
12 there are other things in which PROMESA can be of great help.
13 It has to do with the funding of the University of Puerto
14 Rico. As I said, the University of Puerto Rico is fundamental
15 for the economic development of the island. If you don't have
16 education and people who learn higher things, you cannot
17 continue to grow your economy.

18 (Sound played.)

19 MR. MARTINEZ-MALDONADO: The other thing is that at
20 one time there was a -- there was an election in Puerto Rico,
21 a referendum to cut the size of the legislature to one
22 chamber, and a reduced number of people in the legislature. I
23 worked at Oregon Health Sciences University. Oregon is 90
24 times as big as Puerto Rico, and has the same number of
25 citizens. There, the legislature meets six months every two

1 years, and the state is not falling apart. So Puerto Rico is
2 much smaller, and it could survive with much less legislators
3 and less laws.

4 In relation to the laws, if there is no money, no law
5 should be passed that uses money. And there should not be any
6 borrowing to approve the law to do something that is maybe
7 unnecessary.

8 And, finally, I would like to finish, Your Honor, by
9 saying that borrowing by the government should be really,
10 really controlled. It is what threw us into bankruptcy, and
11 it's something that should be looked at carefully. And things
12 should be done in order to avoid them in the future.

13 Thank you.

14 THE COURT: Thank you so very much, Mr. Maldonado.

15 MR. MARTINEZ-MALDONADO: Do you have any questions,
16 Your Honor?

17 THE COURT: No, I do not.

18 MR. MARTINEZ-MALDONADO: Well, thank you.

19 THE COURT: Thank you, sir.

20 (At 12:14 PM, Mr. Martinez-Maldonado left the
21 podium.)

22 THE COURT: The next speaker is Heriberto Quiles
23 Pumarejo.

24 MR. QUILES-PUMAREJO: Yes. Good afternoon, Judge.

25 THE COURT: Buenos tardes to you as well. Would you

1 state your full name, please?

2 MR. QUILES-PUMAREJO: Yes. Heriberto Quiles
3 Pumarejo.

4 THE COURT: Thank you, sir.

5 MR. QUILES-PUMAREJO: Yes. I would like to make a
6 short biography of my situation, as such. I am an emotional
7 patient for more than 20 years. I visit my psychiatrist and
8 my psychologist, and I am currently under medicated treatment.

9 My arrival today depended on how I got up today. I
10 woke up well. I woke up feeling well. And I am from Ponce,
11 and my father brought me here. And you wanted the people from
12 the country to come and speak to you. And I am a townsman,
13 and I'm not a professor or anything like that.

14 I understand that the people should not have to pay
15 for the Debt Adjustment Plan. The debt plan should be paid
16 for by the people who stole that money. And how can you find
17 out who were the ones who stole the money? Well, doing an
18 audit.

19 I can mention to you a few of the people who -- the
20 people I know were the ones who stole the money, current and
21 past politicians of both political parties, elected and not
22 elected, heads of government public agencies, and heads of
23 public corporations. For example, one that I am retired from,
24 the Electric Power Authority. Companies that have been
25 retained to manage the money, and money contributors of

1 political campaigns.

2 Those are truly the persons that should pay for the
3 debt, not the people. People have nothing to do with that.
4 Why must the people pay?

5 With regard to the pensions, I am a retiree. I was
6 not able to finish my 30 years of service in the Authority. I
7 only finished 26 and a half years, and I have a reduced
8 pension. I cannot reach the 30 years, because my illness
9 didn't allow me. I had to quit my job.

10 My capacity as a retiree, the retirement plan of the
11 Electric Power Authority is in a very precarious financial
12 situation. The debt is at approximately 700 million dollars,
13 and according to the retirement plan administrator, there is
14 about one year left to that retirement plan. So in that case,
15 I would be directly affected. And if there are going to be
16 cuts to the pensions of the government employees, it would be
17 disastrous.

18 So aside from the reduction, and -- in my case the
19 elimination would lead us to indigence. So in this case, the
20 country with the debt that is going to increase, all expenses
21 will increase. There will be no way of paying off the debt,
22 because if everything goes up -- because the money has to come
23 from somewhere. Essential services, food, roads, hospitals,
24 everything will increase, and so this will become a haven for
25 rich people.

1 With regard to the University of Puerto Rico, the
2 millions that will be taken away from the University,
3 something else that will be devastating for the students,
4 because the University of Puerto Rico is attended by students
5 with low income in their households. And I understand that
6 that should not be done either.

7 (Sound played.)

8 MR. QUILES-PUMAREJO: And I do understand that the
9 government says that it does not have money, but then it does
10 have millions for private companies. For example, the LUMA
11 Electric Company, that was not a sale. That was a gift. And
12 these conditions, and services they are providing, they are
13 providing terrible service. And the government keeps on
14 giving it millions, and they are also expecting millions from
15 the Federal Government.

16 Their contract is not -- it's not -- it's a contract.
17 It's a breach of contract, that contract with LUMA. They
18 don't have trained personnel. They're working with people
19 that do not know what they're doing. And there are people who
20 are working there, and the government is supporting that
21 company, because they have friends, relatives there, failed
22 politicians, and people who never dreamed of earning what
23 they're making there, you know.

24 And so that's another example of how the government
25 says it's broke on the one side, but then on the other side,

1 it has so much money. We don't understand what's going on
2 there.

3 THE COURT: Mr. Pumarejo, your ten minutes have
4 finished, and so if you could make your last point now, I
5 would be grateful.

6 MR. QUILES-PUMAREJO: Okay. Just a minute.

7 THE COURT: Would you --

8 MR. QUILES-PUMAREJO: I just want to finish by
9 saying, with regard to these pensions, the discounted
10 pensions, that the next thing -- I mean, it has led me to
11 actually think about suicide as the only option. I have been
12 hospitalized several times because of that situation.

13 So without anything else to say, I appreciate your
14 attention to my person.

15 THE COURT: Mr. Pumarejo, thank you for coming here
16 today, and for sharing your life, and being so open about your
17 pain and the condition that you struggle with, as well as
18 speaking about Puerto Rico, and your concerns for your home,
19 and for the future of Puerto Rico.

20 Everything that I am hearing today I am keeping in
21 mind as I make the legal decisions that I have to make, but I
22 especially want to encourage you to hold on, to have hope in a
23 situation that is not easy. I cannot promise you that it will
24 get easier, but you are precious, your life is precious. Use
25 the gifts that you have for the betterment of your life and

1 the lives of your community. If you have these feelings about
2 harming yourself, please continue to work with your
3 psychiatrist, go to the hospital when you need to, and make
4 sure that you are not struggling alone.

5 I thank you for listening to me. I wish you and your
6 family the best, and I thank you for coming all the way here
7 from Ponce today.

8 MR. QUILES-PUMAREJO: Thank you very much, ma'am.
9 Thank you very much, Judge.

10 (At 12:29 PM, Mr. Quiles-Pumarejo left the podium.)

11 THE COURT: The next speaker is Rafael Texidor.

12 MR. TEXIDOR-TORRES: Hello.

13 THE COURT: Good afternoon, sir.

14 MR. TEXIDOR-TORRES: Good afternoon.

15 THE COURT: Would you please state your full name
16 before you begin to speak?

17 MR. TEXIDOR-TORRES: Yes. My name is Rafael
18 Texidor-Torres.

19 THE COURT: Thank you.

20 MR. TEXIDOR-TORRES: Thank you for your kind words to
21 Heriberto, Your Honor.

22 I belong to no organization or party. I speak
23 entirely on my own behalf. I was admitted to the Puerto Rico
24 Bar in 2009, and earned an LLM in law and technology from the
25 University of Ottawa in 2010. After --

1 THE COURT: Mr. Texidor.

2 MR. TEXIDOR-TORRES: -- a series of professional and
3 personal mistakes --

4 THE COURT: Pardon me, Mr. Texidor. I'm going to ask
5 you to speak just a little bit louder and a little bit slower,
6 so that I can make sure I hear every word.

7 MR. TEXIDOR-TORRES: Okay. After a series of
8 professional and personal mistakes, I ended a career in higher
9 learning, and I'm now grateful for the adventure that led me
10 here. I was able to establish myself in Aguadilla, a
11 northwest township off the big island.

12 Here in Aguadilla, I am now a recovering attorney and
13 a glorified beach bum. I work from home, and swim both the
14 north and west shores as much as possible. I'm a skeptic
15 about anything not exposed to good science, but I'm convinced,
16 as a cancer patient, that these waters have helped heal me or
17 they have bought me time.

18 Before moving to Aguadilla, I was acting director of
19 the University of Puerto Rico's legal office for the Rio
20 Piedras campus when the scent of many storms brewed in early
21 2017. On March 28th of that year, the students declared a
22 strike demanding the reversal of a 450 million dollar budget
23 cut ordered by the Fiscal Control Board, or La Junta, as it
24 now has been etched into our jargon.

25 The students warned faculty, staff and administration

1 that these cuts would be the first of many, and that nothing
2 in Puerto Rico would be spared. Most students on strikes were
3 ridiculed, it was paranoid or far fetched. Some went as far
4 as saying that the very police would be affected.

5 I was at the helm of the legal counsel office when
6 the 2017 strike broke out, and our legal and ethical
7 obligation to our client, the acting -- the chancellor, Dr.
8 Carmen Haydee Rivera Vega, was focused on finding ways to
9 reopen campus, and continue talks with the students toward
10 that end, always in peaceful terms.

11 As the strike dragged on, Carmen Haydee was warned by
12 a judge that she was under high risk of arrest for contempt,
13 as a waning strike endured. After this very real warning, and
14 having exhausted all efforts to both -- reopen campus, and
15 elevating many of the students' concerns to a deaf upper
16 management, Carmen Haydee quit, took a well-deserved rest,
17 thanked us dearly, and to this day honors me with her
18 friendship.

19 I quit a few days later. My letter was ready way
20 beforehand. On good-bye, I warned everyone I halfway trusted
21 on campus, La Junta doesn't want to cut the budget of the
22 University. They want to close the University. Perhaps
23 because it's an obstacle to long-term plans of permanent
24 austerity, while as well serving as a lifeline to an
25 oftentimes hypocritical San Juan centered loose community of

1 so-called activists and academics that have pillaged the
2 University well before La Junta.

3 I was privy to some of their attempts, and had the
4 duty of reporting to the stream of chancellors exactly what
5 loopholes were being exploited, where there was a risk of
6 double-dipping in terms of contracts, or even triple-dipping
7 in one case.

8 In Puerto Rico, Your Honor, corruption is endemic,
9 burdened by no ideology or no religious creed. It's
10 hypocritical and treasonous when coming from those flaunting
11 progressive views, and moronic and cruel when coming from
12 those openly supporting profiting from when others fall. La
13 Junta came in to stir the pot of an already well-cooked stew
14 full of state and municipal corruption, both public and
15 private, and all manner of monsters in between.

16 It raises no eyebrows that a gubernatorial candidate
17 who would market herself as an alternative to this chaos only
18 to, upon defeat, join the ranks of an institution shamelessly
19 profiting from our cascade of disasters. And it raises no
20 eyebrows that the winning candidate officially worked as legal
21 counsel to La Junta.

22 The University is as much at risk as an education
23 system that within my lifetime has seen no less than two
24 secretaries being arrested for criminal dealings with
25 education assets, a power grid that has been left to ruin,

1 | some would argue willfully, and is now controlled by a private
2 | company that ceaselessly defies orders to disclose information
3 | deemed public by the courts. And the pensions of our elderly
4 | of course burden you today. Even some in the police force are
5 | now rumbling, as we've witnessed recently, giving heft to
6 | warnings once discarded as paranoid.

7 | The students warnings were not heeded. The strike
8 | faded out. The University reopened and slowly settled into a
9 | reality of normalized and ferocious budget cuts. But storms
10 | still loomed in 2017, Hurricane Irma, followed by Maria just
11 | two weeks after. And although we've been assailed by fierce
12 | winds, relentless waters, shaking ground, and virulent
13 | disease, Maria haunts me consistently.

14 | It is not uncommon to hear someone say, (Remarks in
15 | Spanish), at least I didn't lose anyone, perhaps expressing
16 | relief and honest gratitude, perhaps a result of lowered
17 | expectations, perhaps an acknowledgement of the pain suffered
18 | by many whose loved ones passed in Maria's aftermath, because
19 | of an oxygen tank not reaching them soon enough, because of
20 | hardship storing insulin, or because of a lack of access to
21 | treatment for Leptospirosis, to name a few.

22 | I didn't lose anyone, Your Honor. I lost a few hours
23 | looking for ice, water, gas, food, but I made a vow to myself
24 | never to forget. (Remarks in Spanish), Maria's dead. Unknown
25 | fellow Puerto Ricans, most of whom I probably didn't agree

1 with on much of anything important, but unfairly dead and
2 unnecessarily dead. Most of them should be here now today.
3 It would have been worse had not the very people stepped up to
4 clear roads, set up water tanks, deliver food, save lives, and
5 shine the light of hope.

6 After Maria, I was unemployed and living off savings
7 while driving around our island with my best friend and
8 beloved partner, Mabel. During that time I allowed myself a
9 cruel fantasy. Now La Junta will have no choice but to
10 declare this debt uncollectible. I felt guilty, because I
11 knew this victory would have arrived at the expense of
12 (Remarks in Spanish.) My mistake wasn't cruelty, however, but
13 idiocy.

14 Maria did not change the fact that we are still
15 expected to pay, as we are currently paying, for the debt, and
16 La Junta's fees and salaries, slowly but steadily for another
17 40 years at least, witnessing the fruition of warnings that
18 students and experts made years ago. Crime is rampant.
19 Gender violence became a public health problem entrenching
20 almost every man I know, including myself.

21 The Census Bureau has estimated the loss of
22 population after Maria in the hundreds of thousands. All
23 coasts are under siege by private interests. The working
24 youth are tired, overworked, underserved by educational
25 institutions, and seeing all manner of public services and

1 goods they might have inherited wither.

2 I believe that every reasonable person, depending on
3 their disposition to denial, or on their ability to profit
4 from this state of affairs, will reach a point when it will
5 become impossible to deny that we Puerto Ricans are paying for
6 this debt with our lives and with our life force.

7 With life, as in the case of any future hurricane
8 victim at the mercy of a private power company that offers a
9 worse service at a higher price, and with life force, as in
10 the case of families increasingly tired, robbed of quality
11 time as everyday actions slowly look more like survival feats.
12 First the University, then the pensions, then public school
13 closures, then increased fees for public service. And what of
14 us when the next storm hits?

15 I believe we cannot pay this debt, Your Honor. I
16 confess I started researching Professor Duncan Kennedy's take
17 on the Hart-Dworkin debate regarding hard cases. I was
18 reminded I'm trained in this, and felt compelled to offer this
19 Court a more jurisprudential argument. But something stopped
20 me. One of my mother's lessons I treasure the most is simpler
21 than any legal argument I could muster. (Remarks in Spanish),
22 we don't fight over food.

23 This was repeated to me and my sister Tamara
24 endlessly. By the end of grade school, we both knew better
25 than to complain about who ate the last cookie, or dare use

1 the abundance on my plate to mock the empty plate beside me.
2 We don't fight over food, period. I learned it as a child,
3 and now hope to correctly understand this lesson, live by it,
4 and strive to apply it equally to every human being I
5 encounter.

6 I've arrived at the conclusion that the very thought
7 of collecting on this debt is akin to fighting over food.
8 This, to me, is undeniably and painfully obvious. It cannot
9 be paid and it should not be paid. Not this way, not in the
10 light of the many shades of hunger, both chronic and acute, we
11 currently endure.

12 Adjustment should be thrown out, along with the debt.
13 And auditing, or better yet, detailed criminal investigations
14 into this debt can be done during or after any possible
15 process of bailing us out. If that sounds preposterous, I
16 would beg that at least serious efforts are directed at
17 researching whichever bailout has been approved in the past to
18 cities, states, and selected corporations, even under a raging
19 pandemic.

20 I humbly request, Your Honor, that you find it within
21 the law to declare this debt uncollectible, grant us reprieve,
22 stand in solidarity with us, and allow us to rebuild our
23 country. I speak unabashedly, because I honestly believe
24 that, even if the last cent of this debt were legal, our
25 children cannot pay for it. We are being drained by anyone

1 with the means and the will to do so, regardless of ideology.

2 This is so clear to me that my very thought of
3 analyzing a slew of legal journals becomes appalling. However
4 moved I am by Professor Kennedy's views on a judge's role in a
5 so-called hard case, his wisdom doesn't provide me a more
6 decent and morally robust argument as my mother's (remarks in
7 Spanish).

8 Thank you so much for your time, Your Honor, and may
9 you arrive at an outcome that is good, right, and just.

10 THE COURT: Thank you, Mr. Texidor, for speaking from
11 your heart, and for coming here today.

12 MR. TEXIDOR-TORRES: Thank you, Your Honor.

13 THE COURT: Thank you for speaking to me and to all
14 who are listening. I note that there are 50 people listening
15 through Zoom, and many, many more on the telephone as well.

16 MR. TEXIDOR-TORRES: Thank you.

17 THE COURT: Thank you.

18 (At 12:40 PM, Mr. Texidor-Torres left the podium.)

19 THE COURT: At this point, there are no further
20 public speakers to be heard. In the hopes that more will
21 arrive within the next half hour, we will adjourn for one half
22 hour, until 1:15 Atlantic Standard Time, which will be 12:15
23 Eastern Standard Time. Thank you.

24 (At 12:40 PM, recess taken.)

25 (At 1:11 PM, proceedings reconvened.)

1 THE COURT: Good afternoon, everyone. It is now a
2 little after 1:15, and no one has arrived to speak further
3 yet. The three people we heard from in the last session had
4 been instructed to come at noon for the afternoon session, and
5 so far no one further has come for the morning or the
6 afternoon session.

7 I am going to give them one half hour more, and we'll
8 see if anyone is here at ten minutes to 2:00. If no one
9 further has arrived by that time, then we will adjourn for the
10 day. So please come back on at ten minutes to 2:00 Atlantic
11 Standard Time, which will be ten minutes to 1:00 Eastern
12 Standard Time, and we'll see if there are any further
13 speakers.

14 Thank you very much for your cooperation and
15 participation. I will see you in a half hour. We're
16 adjourned.

17 (At 1:12 PM, recess taken.)

18 (At 1:46 PM, proceedings reconvened.)

19 THE COURT: Good afternoon. It is now ten minutes to
20 2:00, and I will ask the courtroom deputy to confirm that no
21 one else has arrived or contacted us.

22 Ms. Tacoronte, has anyone else arrived or contacted
23 us about speaking today?

24 COURTROOM DEPUTY: No, Your Honor.

25 THE COURT: Since it is now almost two hours since

1 the reporting time that was given to the afternoon speakers,
2 and only three of those speakers have arrived, those speakers
3 having arrived early, regretfully, I will adjourn today's
4 proceeding, having heard the six speakers who we have heard
5 earlier in the day.

6 We will resume tomorrow morning for witness
7 testimony, witness declarations, and then live testimony by
8 way of cross-examination and redirect at 9:30 Atlantic
9 Standard Time, which is 8:30 Eastern Standard Time. Please
10 sign in to Zoom by 9:00, so that we can start on time.

11 I thank you all for your participation today, and
12 your attention to the local speakers. I thank the court staff
13 for administering and conducting these very complex
14 proceedings.

15 Stay safe and well everyone. We are adjourned.
16 We'll see you tomorrow morning.

17 (At 1:48 PM, proceedings concluded.)

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1 U.S. DISTRICT COURT)
2 DISTRICT OF PUERTO RICO)

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4 I certify that this transcript consisting of 54 pages is
5 a true and accurate transcription to the best of my ability of
6 the proceedings in this case before the Honorable United
7 States District Court Judge Laura Taylor Swain, and the
8 Honorable United States Magistrate Judge Judith Gail Dein on
9 November 9, 2021.

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13 S/ Amy Walker

14 Amy Walker, CSR 3799

15 Official Court Reporter

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